

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 88, “Managed Health Care Providers,” Iowa Administrative Code.

The purpose of this amendment is to clarify policy on the treatment of income and resources for institutionalized spouses who apply for the Programs of All-Inclusive Care for the Elderly (PACE). Specifically, the amendment clarifies policy on the treatment of income and resources for certain institutionalized spouses who apply for PACE.

The effect of this amendment is to clarify policy that PACE enrollees are considered to be institutionalized for Medicaid eligibility purposes and that spousal impoverishment eligibility rules do apply. The clarification will assist income maintenance workers in making correct determinations of eligibility for PACE.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 0639C** on March 6, 2013. The Department received no comments. This amendment is identical to the one published under Notice of Intended Action.

The Council on Human Services adopted this amendment on May 8, 2013.

This amendment does not provide for waivers in specific situations because it confers a benefit and because all Medicaid members are subject to the same rules regarding the determination of eligibility for PACE. However, requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.

This amendment will become effective August 1, 2013.

The following amendment is adopted.

Amend paragraph **88.84(1)“a”** as follows:

*a. Basic eligibility requirements.*

(1) The person must be 55 years of age or older.

(2) The person must reside in the service area of the PACE organization.

(3) The person must be eligible for Medicaid pursuant to the provisions in 441—Chapter 75 for persons in a medical institution.

~~(3)~~ (4) The department must determine that the person is eligible for Iowa Medicaid pursuant to 441—Chapter 76.

~~(4)~~ (5) The department must determine that the person needs the nursing facility level of care.

~~(5)~~ (6) The person must meet any additional program-specific eligibility conditions imposed under the PACE program agreement. These additional conditions shall not modify the requirements stated in this subrule.

[Filed 5/8/13, effective 8/1/13]

[Published 5/29/13]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/29/13.